

THAT WHICH IS CLAIMED:

1. An isolated nucleic acid molecule having a nucleotide sequence for a promoter that is capable of initiating transcription in a plant cell, wherein said nucleotide sequence for said promoter is selected from the group consisting of:
- a. a nucleotide sequence comprising the sequence set forth in NO:3;
 - b. a nucleotide sequence comprising at least 30 contiguous nucleotide of the sequence set forth in SEQ ID NO:3; and
 - c. a nucleotide sequence that hybridizes under stringent conditions to a sequence of a) or b).
2. A DNA construct comprising a nucleotide sequence of claim 1 operably linked to a heterologous nucleotide sequence of interest.
3. A vector comprising the DNA construct of claim 2.
4. A host cell having stably incorporated in its genome the DNA construct of claim 2.
5. A method for inducing expression of a heterologous nucleotide sequence in a plant, said method comprising transforming a plant cell with a DNA construct comprising said heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in a plant cell in response to a stimulus, regenerating a stably transformed plant from said plant cell, and exposing said plant to said stimulus, wherein said promoter comprises a nucleotide sequence selected from the group consisting of:
- a. a nucleotide sequence comprising the sequence set forth in SEQNO:3;
 - b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the sequence set forth in SEQ ID NO:3; and

c. a nucleotide sequence that hybridizes under stringent conditions to a sequence of a) or b).

6. The method of claim 5, wherein said plant is a monocot.

7. The method of claim 6, wherein said monocot is maize.

8. The method of claim 5, wherein said plant is a dicot.

9. A plant cell stably transformed with a DNA construct comprising a heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in said plant cell, wherein said promoter comprises a nucleotide sequence selected from the group consisting of:

a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;

b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the sequence set forth in SEQ ID NO:3; and

c. a nucleotide sequence that hybridizes under stringent conditions to a sequence of a) or b).

10. The plant cell of claim 9, wherein said plant cell is from a monocot.

11. The plant cell of claim 10, wherein said monocot is maize.

12. The plant of claim 9, wherein said plant cell is from a dicot.

13. A plant stably transformed with a DNA construct comprising a heterologous nucleotide sequence operably linked to a promoter that is capable of initiating transcription in a plant cell, wherein said promoter comprises a nucleotide sequence selected from the group consisting of:

a. a nucleotide sequence comprising the sequence set forth in SEQ ID NO:3;

b. a nucleotide sequence comprising at least 30 contiguous nucleotides of the sequence set forth in SEQ ID NO:3; and

5 c. a nucleotide sequence that hybridizes under stringent conditions to a sequence of a) or b).

14. The plant of claim 13, wherein said plant is a monocot.

10 15. The plant of claim 14, wherein said monocot is maize.

16. The plant of claim 13, wherein said plant is a dicot.

17. Transformed seed of the plant of claims 13.

15 18. An isolated nucleic acid molecule having a nucleotide sequence selected from the group consisting of:

a. a polynucleotide that encodes a polypeptide of SEQ ID NO: 2;

b. a polynucleotide comprising the sequence set forth in SEQ ID

20 NO:1;

c. c. a polynucleotide having at least 70% sequence identity to SEQ ID NO:1, wherein said polynucleotide encodes a polypeptide having antipathogenic activity

d. a polynucleotide comprising at least 20 contiguous nucleotides of SEQ ID NO:1; and

25 e. a polynucleotide complementary to a polynucleotide of (a) or (b).

19. A DNA construct comprising a nucleotide sequence of claim 18 operably linked to a promoter that drives expression in a plant cell.

30 20. A vector comprising the DNA construct of claim 19.

21. A host cell having stably incorporated in its genome the DNA construct of claim 19.

22. A method for modulating expression of a nucleotide sequence in a plant, said method comprising transforming said plant with a DNA construct comprising a nucleotide sequence of interest operably linked to a promoter that drives expression of a coding sequence in a plant cell and regenerating stably transformed plants, wherein said nucleotide sequence of interest is selected from the group consisting of:
- a. a polynucleotide that encodes a polypeptide of SEQ ID NO:2;
 - b. a polynucleotide comprising the sequence set forth in SEQ ID NO:1;
 - c. a polynucleotide having at least 70% sequence identity to SEQ ID NO:1, wherein said polynucleotide encodes a polypeptide having antipathogenic activity;
 - d. a polynucleotide comprising at least 20 contiguous bases of SEQ ID NO:1; and
 - e. a polynucleotide complementary to a polynucleotide of (a) or (b).

23. The method of claim 22, wherein said modulation of expression of a nucleotide sequence creates or enhances disease resistance in a plant.

24. The method of claim 22, wherein said plant is a monocot.

25. The method of claim 24, wherein said monocot is maize.

26. The method of claim 22, wherein said promoter is an inducible promoter.

27. The method of claim 26 wherein said inducible promoter is the nucleotide sequence set forth in SEQ ID NO:3.

28. A plant cell stably transformed with a DNA construct comprising a nucleotide sequence operably linked to a promoter that drives expression of a coding

sequence in a plant cell, wherein said nucleotide sequence is selected from the group consisting of:

- a. a polynucleotide that encodes a polypeptide of SEQ ID NO:2;
- b. a polynucleotide comprising the sequence set forth in SEQ ID NO:1;
- c. a polynucleotide having at least 70% sequence identity to SEQ ID NO:1, wherein said polynucleotide encodes a polypeptide having antipathogenic activity;
- d. a polynucleotide comprising at least 20 contiguous bases of SEQ ID NO:1; and
- e. a polynucleotide complementary to a polynucleotide of (a) or (b).

29. A plant stably transformed with a DNA construct comprising a nucleotide sequence operably linked to a promoter that drives expression of a coding sequence in a plant cell, wherein said nucleotide sequence is selected from the group consisting of:

- a. a polynucleotide that encodes a polypeptide of SEQ ID NO:2;
- b. a polynucleotide comprising the sequence set forth in SEQ ID NO:1;
- c. a polynucleotide having at least 70% sequence identity to SEQ ID NO:1, wherein said polynucleotide encodes a polypeptide having antipathogenic activity;
- d. a polynucleotide comprising at least 20 contiguous bases of SEQ ID NO:1; and
- e. a polynucleotide complementary to a polynucleotide of (a) or (b).

30. Transformed seed of the plant of claim 29.

31. A method for controlling a plant pathogen, said method comprising applying an anti-pathogenic amount of the polypeptide encoded by a nucleotide sequence selected from the group consisting of:

- a. a polynucleotide that encodes a polypeptide of SEQ ID NO:2;
- b. a polynucleotide comprising the sequence set forth in SEQ ID NO:1;

b. a polynucleotide having at least 70% sequence identity to SEQ ID NO:1, wherein said polynucleotide encodes a polypeptide having antipathogenic activity;

c. a polynucleotide comprising at least 20 contiguous bases of SEQ ID NO:1; and

5 d. a polynucleotide complementary to a polynucleotide of (a) or (b).

32. The method of claim 31 wherein said anti-pathogenic amount of said polypeptide is applied to a plant.

10 33. The method of claim 31 wherein said anti-pathogenic amount of said polypeptide is applied by a procedure selected from the group consisting of spraying, dusting, scattering, and seed coating.

34. A substantially purified protein having an amino acid sequence selected
15 from the group consisting of:

a. a polypeptide comprising at least 10 contiguous amino acids of SEQ ID NO: 2;

b. a polypeptide comprising at least 70% sequence identity to SEQ ID NO: 2;

20 c. a polypeptide which encoded by a polynucleotide comprising the sequence set forth in SEQ ID NO:1;

d. a polypeptide comprising the sequence set forth in SEQ ID NO: 2.

25 35. A composition comprising the protein of claim 34 and a carrier.

36. The composition of claim 35, wherein said carrier is selected from a surface active agent, an inert carrier, an encapsulating agent, and an agrochemical.

30 37. The composition of claim 35, wherein said carrier is a pharmaceutical carrier.

38. A method for controlling a plant pathogen comprising applying an anti-pathogenic amount of the composition of claim 35 to the environment of said pathogen.

0945376.083104